IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE SECOND DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 1414 of 2005

Between:

M. Hanumanthu, S/o. M. Lakshmaiah,
R/o. H.No. 17-2-1185/3, Madannapet, Hyderabad.

..... PETITIONER

AND

1 The Assistant Secretary, Regional Transport Authority,
East Zone, Hyderabad.
2 The Motor Vehicle Inspector, Ibrahimpatnam, Karmanghat,

Ranga Reddy District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ, Order or direction, especially, one in the nature of Writ of Mandamus declaring the seizure of the petitioners vehicle No. ABT 2053 vide vehicle check report No. 0533431 dt. 18-1-2005 is illegal, arbitrary and violative of Article 19(1)(g) of the Constitution of India and consequently direct the respondent to release the petitioenr vehicle bearing No. ABT-2053 immedatley and pass such other order or orders

Counsel for the Petitioner:MR.CH.RAVINDER

Counsel for the Respondents : GP FOR TRANSPORT

The Court at the stage of admission made the following :

ORDER:

The petitioner has filed this writ petition seeking a direction to the respondents to release his Vehicle bearing Regd.No.ABT 2053.

2 . The 2n d respondent seized the petitioner's vehicle under check report bearing No.0533431, dated 18-01-2005 for not producing the documents of the vehicle and for not producing the proof for payment of tax for the quarter ending 31-12-2004.

3. The learned counsel for the petitioner has contended that the petitioner is a poor educated unemployee and that he made a representation, dated 18-01-2005 to the 1st respondent requesting him to release the vehicle, but the 1st respondent refused to release the vehicle. Therefore, he prays to grant interim custody of the vehicle to the petitioner.

4. The learned Government Pleader for Transport has opposed the application filed by the petitioner on the ground that the petitioner has to approach the 1st respondent-Transport authority for grant of interim custody of the vehicle and appropriate orders have to be passed by the 1st respondent, but the petitioner, without approaching the 1st respondent has filed this writ petition.

5. As per the check report, dated 18.01.2005, the 2nd respondent seized the vehicle of the petitioner for violation of certain irregularities. Though it is asserted in the affidavit that the petitioner made a representation, dated 18.01.2005, i.e., on the same day itself, the 1st respondent has not taken any steps for grant of interim custody of the vehicle since the vehicle is being used for the purpose of carrying the goods. Therefore, it would be appropriate to direct the interim custody of the vehicle to the petitioner.

6. In the light of the above circumstances, the 1st respondent-The Assistant Secretary, Regional Transport Authority, is directed to release the vehicle of the petitioner for interim custody on the following terms and conditions.

1. *that the petitioner shall not transfer the vehicle to any other person without the permission of the 1st respondent.*

2. *that the petitioner shall not change the engine or any part of the vehicle.*

3. *that the petitioner shall produce the vehicle as and when required by the authorities concerned.*

4. *that the petitioner shall participate in the enquiry that is going to be conducted by the 1st respondent after receipt of show cause notice by filing his explanation.*

5. *that the petitioner shall pay the tax amount, due if any, as on today.*

7. Accordingly, the writ petition is disposed of in terms of the above directions. There shall be no order as to costs.

_____

K.C.BHANU, J.

Dt:02-02-2005.

Note:

Issue copy by wire.

(B/O)

RNS

To

1 The Assistant Secretary, Regional Transport Authority,
East Zone, Hyderabad.
2 The Motor Vehicle Inspector, Ibrahimpatnam, Karmanghat,

Ranga Reddy District.

3 2 CD copies